men and that twelve men could not concur in the indictment. *Held,* that the word *men* as used in the CODE OF CIVIL PROCEDURE, Sec. 190, defining a jury as a body of *men* did not include *women* notwithstanding Pen. Code, Sec. 7, which provides that the words used in a masculine gender shall include women, and hence that the indictment was not found as prescribed by the CODE. *People* v. *Lensen,* (Cal. App., 1917), 167 Pac. 406.

Upon examination of the cases cited in support of the principal case it is found that in no one of them was the question raised as to the right of a woman to be a juror. *Hunnel* v. *State,* 86 Ind. 431; *Smith* v. *Times Publishing Company,* 178 Pa. 481; *State* v. *McClear,* 11 Nev. 39. In *Rosencrantz* v. *Terr.,* 2 Wash. Terr. 267, a married woman could be a grand juror under a code provision that all householders and electors shall be competent grand jurors, but this case was overruled by *Harland* v. *Terr.,* 3 Wash. Terr. 131, on the ground that the above mentioned act was void for defective title so that although the decision in *Rosencrantz* v. *Terr.,* (*supra*) is overruled, nothing is decided affirmatively in that state as to whether a women could be a grand juror. No other states have interpreted the word *men* as used in this connection. *Re Goodell,* 39 Wis. 232 and *Re Lockwood,* 9 Ct. Cl. 346, hold that *men* cannot include *women* even though, as in the principal case, there is found a provision that words importing masculine gender shall include the feminine. In *Bloomer* v. *Todd,* 3 Wash. Terr. 599, it was held that an adult citizen meant only a male inhabitant. Acts to give women the right to vote for school and city officers were held to be in violation of constitutional restrictions which give to *men* the right to vote. *Coffin* v. *Bd. of Election Commissioners of Detroit,* 97 Mich. 188; *Gougar* v. *Timberlake,* 148 Ind. 38; *Allison* v. *Blake,* 57 N. J. L. 6. But *Wheeler* v. *Brady,* 15 Kan. 26; *State* v. *Cones,* 15 Neb. 444, and *Plummer* v. *Yost,* 144 Ill. 68 hold to the contrary. But the pronouns *he* and *his* include women as well as men. So there is no statutory inhibition by the use thereof. *State* v. *Jones,* 102 Mo. 305. *Re Thomas,* 16 Col. 441. *Richardson's Case,* 3 Pa. Dist. R. 299. It may be true that the framers did not contemplate that women should be jurors. But it does not follow that they intended the contrary. The truth is that they had no intention one way or the other and that the matter was not even thought of. If it is held that the construction of the statute is to be determined by the admitted fact that its application to women was not in the minds of the legislature when it was passed, where shall the line be drawn?

HUSBAND AND WIFE—HUSBAND'S LIABILITY FOR HIS WIFE'S TORT.—Husband and wife were joined as defendants in an action for alienating the affections of the plaintiff's husband. The plaintiff admitted that the defendant husband was not a joint tort-feasor and sought to sustain a judgment which she recovered against both defendants on the ground of the husband's general liabilty for his wife's torts. *Held,* that the husband was not liable. *Claxton* v. *Pool,* (Mo., 1917), 197 S. W. 349.

The Supreme Court of Missouri found itself in an unfortunate position. The tort had been committed before the enactment of the statute freeing the husband from liability for his wife's torts, and the precedents were opposed

to the just result the statute would have reached. SESSION ACTS 1915, 269. Missouri had followed the majority of states in allowing a married woman to maintain an action for the alienation of her husband's affections. *Clow* v. *Chapman,* 125 Mo 101; *Weber* v. *Weber,* 113 Ark. 471, L. R. A. 1915 A 67 note. Again with the majority, Missouri had strictly construed its MARRIED WOMAN'S ACT leaving the husband liable, as at common law, for his wife's torts generally. *Taylor* v. *Pullen,* 152 Mo. 434. The wrong was not connected with the wife's separate estate, so that fairly well established distinction could not be invoked, as it had been in *Boutell* v. *Shellaberger,* 264 Mo. 70. The opinion in *Nichols* v. *Nichols,* 147 Mo. 387, clearly upheld the husband's liability, but it is said to be *dictum.* Perhaps so, but the *Boutell* case *supra* cites it for this *dictum.* Even "on the facts" of the decided cases, slander uttered by the wife (for which the husband had been held liable in *Taylor* v. *Pullen, supra*) would have had to be distinguished. This the lower court tried to do, basing the distinction on whether the wife's wrongful act was also a separate wrong to the husband. *Claxton* v. *Pool,* 182 Mo. App. 13. The Supreme Court seeks the "larger consistency" that the common law has been said to be noted for. The "spirit and trend of legislation," "recent customs and methods of dealing," woman's "freedom of action and independence" triumph. The Missouri court meets the issue as squarely as could be expected. The same result was reached in Iowa without reference to statutes and without discussion. *Heisler* v. *Heisler,* (Ia., 1910), 127 N. W. 823; *Pooley* v. *Dutton,* 165 Ia. 745. The other cases since the note in 6 MICH. L. REV. 405, seem to have been based on statutes.

NAVIGABLE WATERS — RIPARIAN RIGHTS — ACCRETION. — Where a gradual, imperceptible addition to riparian land on Lake Michigan was caused jointly by the natural action of the water and by piers, built out into the lake by other landowners, *held,* that this addition constituted accretion which belonged to the owner of the contiguous riparian land. *Brundage* v. *Knox,* (Ill., 1917), 117 N. E. 123.

The typical case of accretion is the increase to riparian land by natural causes, for instance, by the natural action of the water. Accretion is sometimes confined to this case. BOUVIER, LAW DICT.; ANDERSON, LAW DICT.; *In re Driveway in City of New York,* 93 N. Y. Supp. 1107. But by the great weight of authority the doctrine of title by accretion is extended to accretion resulting from artificial causes. *Lovingston* v. *County of St. Clair,* 64 Ill. 56; *Tatum* v. *City of St. Louis,* 125 Mo. 647. Any one of the leading theories of the basis of title by accretion supports this extension. One theory asserts that the loss of land by erosion should be compensated for by allowing title by accretion. 2 BLACKSTONE'S COMM., 262. Public policy is the keynote of another theory, viz., that all land should have an owner and that it is most convenient that accretion should follow the ownership of the shore. *Wallace* v. *Driver,* 61 Ark. 429. The doctrine of title by accretion, says a third theory, rests on the necessity of preserving to the riparian landowner the right of access to the water. *Lamprey* v. *State of Minnesota,* 52 Minn. 181. A distinction is taken where the accretion is caused, wholly or in part, by an arti-